

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: SKI TRAIN FIRE IN KAPRUN :
AUSTRIA ON NOVEMBER 11, 2000 :
-----X

MDL # 1428 (SAS)

This document relates to the following actions:

-----X
JOHANN BLAIMAUER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X

-----X

HERMAN GEIER, et al., :

Plaintiffs, :

- against - :

OMNIGLOW CORPORATION, et al., :

Defendants. :

-----X

-----X

NANAE MITSUMOTO, et al., :

Plaintiffs, :

- against - :

THE REPUBLIC OF AUSTRIA, et al., :

Defendants. :

-----X

ORDER

03-CV-8960 (SAS)

03-CV-8961 (SAS)

06-CV-2811 (SAS)

-----X		
NANAE MITSUMOTO, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-935 (SAS)
	:	
ROBERT BOSCH	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
JOOP H. STADMAN, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-3881 (SAS)
	:	
AUSTRIAN NATIONAL TOURIST	:	
OFFICE INC., et al.,	:	
	:	
Defendants.	:	
-----X		
-----X		
RASTKO and DRAGICA FERK, et al.,	:	
	:	
Plaintiffs,	:	
	:	
- against -	:	07-CV-4104 (SAS)
	:	
OMNIGLOW CORPORATION, et al.,	:	
	:	
Defendants.	:	
-----X		
SHIRA A. SCHEINDLIN, U.S.D.J.:		

By Opinion and Order dated June 19, 2007 (the “June 19 Order”), this Court dismissed five of the six above-captioned actions on the ground of forum

non conveniens. The Clerk of the Court entered judgment on July 9, 2007 dismissing and closing those cases, which bear civil action numbers 03 Civ. 8960, 03 Civ. 8961, 06 Civ. 2811, 07 Civ. 0935, and 07 Civ.3881.¹ On July 31, 2007, plaintiffs in these actions moved for reconsideration and other relief pursuant to Local Rule 6.3 and Fed. R. Civ. P. 60(b).

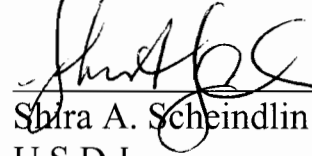
By Opinion and Order dated August 16, 2007 (the “August 16 Order”), this Court disqualified Edward D. Fagan from further participation on behalf of plaintiffs in all of the above-captioned cases. Because plaintiffs did not retain counsel within thirty days or notify the Court of their intention to proceed pro se within sixty days of the August 16 Order, the pending motions for reconsideration were deemed moot and withdrawn.² Although the August 16 Order directed the Clerk of the Court, once again, to enter judgment dismissing the actions should plaintiffs fail to comply, no subsequent judgment was entered. The Clerk of the Court is hereby directed to enter a final judgment dismissing these actions pursuant to the August 16 Order.

¹ The case captioned *Ferk, et al. v. Omniglow Corp., et al.* (“*Ferk*”), bearing civil docket number 07 Civ. 4104, was accepted by this Court as related to 03 Civ. 8960 on June 11, 2007 but was not dismissed by the June 19 Order. However, Fagan was disqualified from serving as counsel in *Ferk* (in addition to the cases dismissed by the June 16 Order) pursuant to the August 16 Order. For the reasons set forth in the June 19 Order, the Clerk of the Court is directed to enter judgment and close the *Ferk* action.

² See 10/18/07 Order.

By letter dated June 5, 2008, disqualified counsel Edward D. Fagan requested that the Court enter the August 16 Order as a final judgment pursuant to Fed. R. Civ. P. 54(b). That request is denied. However, Mr. Fagan may bring to the attention of the Court of Appeals that a final judgment has now been entered in all of the above-captioned cases.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
June 10, 2008

- Appearances -

Edward D. Fagan, Esq.
Five Penn Plaza, 23rd Floor
New York, NY 10001
(646) 378-2225

For Defendant Bosch Rexroth Corp., Robert Bosch Corp.:

Neil Rosolinsky, Esq.
Reed Smith LLP
599 Lexington Avenue, 28th Floor
New York, NY 10022
(212) 549-0391

For Defendant Siemens Transportation Systems, Inc. and as Liaison Counsel for all Defendants:

Brant W. Bishop, Esq.
Kirkland & Ellis LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 879-5000

Ryan M. Morettini, Esq.
Kirkland & Ellis LLP
Citigroup Center
153 East 53rd Street
New York, NY 10022
(212) 446-4800

Robert W. Littleton, Esq.
Littleton Joyce Ughetta & Park LLP
39 Broadway, 34th Floor
New York, NY 10006
(212) 404-5777

For Defendant Wika Instrument Corp.:

Eileen T. McCabe, Esq.
Stephen Roberts, Esq.
William Lalor, Esq.
Mendes & Mount LLP
750 Seventh Avenue
New York, NY 10019
(212) 261-8000

For Defendant Hydac Technology Corp.:

Nancy Ledy-Gurren, Esq.
Ledy-Gurren, Bass & Siff LLP
475 Park Avenue South
New York, NY 10016
(212) 447-1111

For Defendants American Cyanamid Inc. and Omniglow Corp.:

E. Gordon Haesloop, Esq.
Bartlett McDonough, Bastone & Monaghan LLP
300 Old Country Road
Mineola, NY 11501
(516) 877-2900

For Defendant Exxon Mobil:

John F. Tully, Esq.
Robert Owen, Esq.
Fulbright & Jaworski LLP
666 Fifth Avenue
New York, NY 10103
(212) 318-3000